

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA
OFFICE OF THE CLERK**

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Denise M. Lucks
Clerk of Court
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Chief Deputy Clerk

TO: The Honorable Judge Smith Camp

FROM: Clerk, U.S. District Court
Jane Fischer

DATE: April 26, 2005

SUBJECT: 8:04CR469 USA V. JOSE GUSTAVO RUBIO

A party, who has already been permitted to proceed in forma pauperis or who is financially unable to obtain adequate defense in a criminal case, has filed a Notice of Appeal. Pursuant to the third paragraph of FRAP 24(a), a party may proceed on appeal in forma pauperis without further authorization unless the district judge certifies that the appeal is not taken in good faith or finds that the party is otherwise not entitled to proceed on appeal in forma pauperis. The district judge shall state in writing the reasons for such a certification or finding.

In order for the Clerk's office to process this appeal, please advise our office how you intend to proceed:

- No order will be entered in this direct criminal appeal, and the party is permitted to proceed on appeal in forma pauperis.
- An order will be entered finding that the party is not entitled to proceed in forma pauperis.
- An order will be entered, and the party is permitted to proceed on appeal in forma pauperis.
- An order will be entered in this § 2254 or § 2255 case regarding Certificate of Appealability.

Dated this 26th day of April, 2005.

s/Laurie Smith Camp
United States District Judge

Additional Requirement for State Habeas or 2255 Cases

Pursuant to Rule 22(b) of the Rules of Appellate Procedure and 28 U.S.C. § 2253 (c), the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not be issued.

Transmission of the Notice of Appeal to the Court of Appeals will be delayed until this court rules on the in forma pauperis status and the certificate of appealability.